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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/9/2024

April 8, 2024

VIA ECF

The Honorable Analisa Torres
U.S. District Judge
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Simpson v. Submarine Entm't, LLC, 1:24-cv-01132 (AT) (S.D.N.Y.)*

Dear Judge Torres:

We represent Defendant BMG Audiovisual Productions, LLC (“BMG”) (sued incorrectly as “BMG Rights Management GmbH”) in the above-referenced action. We write – with Plaintiff’s consent – to request the Court’s confirmation that BMG’s deadline to answer or otherwise respond to Plaintiff’s Complaint is May 7, 2024, as noted in Docket No. 14, and not April 18, 2024, as suggested (we believe incorrectly) in Docket No. 16.

On March 8, 2024, undersigned counsel executed a Waiver of the Service of Summons (the “Waiver”) on BMG’s behalf. (Dkt. No. 14.) Plaintiff’s counsel filed the Waiver on March 12, 2024. (*Id.*) The corresponding docket entry reflects a responsive pleading deadline for BMG of May 7, 2024 (*id.*) in accordance with the Waiver and Rule 4(d)(3) of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 4(d)(3) (“FRCP 4(d)(3)”).

Also on March 12, 2024, Plaintiff’s counsel filed a letter motion (the “Letter Motion”) requesting an extension of the responsive pleading deadline to April 18, 2024 on behalf of third-party Inaudible Productions, LLC as “the entity responsible for indemnifying the named defendants” in this action. (Dkt No. 15.) The Court granted the Letter Motion the next day, resulting in a docket entry reflecting the requested April 18, 2024 responsive pleading deadline not just for Defendant Submarine Entertainment, LLC, but also for BMG. (Dkt. No. 16.)

Because BMG was not a party to and did not request the relief sought in the Letter Motion, BMG respectfully requests that the Court confirm that BMG’s deadline to respond to Plaintiff’s Complaint is May 7, 2024, as set forth in Docket No. 14. If the Court approves of this request, we respectfully request that it “So Order” this letter. We thank the Court for its consideration of this matter.

GRANTED. Defendant BMG shall respond to the complaint by **May 7, 2024**.

SO ORDERED.

Dated: April 9, 2024
New York, New York



ANALISA TORRES
United States District Judge